

**City of Saratoga Springs  
Planning Commission Meeting  
May 12, 2016**

Regular Session held at the City of Saratoga Springs City Offices  
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

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**Minutes**

**Present:**

Commission Members: Kirk Wilkins, Sandra Steele, Hayden Williamson, David Funk, Ken Kilgore, Troy Cunningham, Brandon MacKay  
Staff: Kimber Gabryszak, Planning Director; Mark Christensen, City Manager; Sarah Carroll, Senior Planner; Jamie Baron, Planner; Kevin Thurman, City Attorney; Gordon Miner, City Engineer; Nicolette Fike, Deputy Recorder; Jess Campbell, Fire Chief  
Others: Peter Simmons, Ken Evans

**Call to Order** - 6:30 p.m. by Chairman Kirk Wilkins

**1. Pledge of Allegiance** - led by Hayden Williamson

**2. Roll Call** – A quorum was present

**3. Public Input**

**Public Input Open** by Chairman Kirk Wilkins

No input was given.

**Public Input Closed** by Chairman Kirk Wilkins

**4. Public Hearing: Site Plan and Conditional Use Permit for Pro Split Pea, located 1461 North 400 East, Technology Associates, applicant.**

Jamie Baron presented the application. This is a request for Site Plan and Condition Use Permit (CUP) approval for the purpose of constructing a 96' cellular tower on the property located at 1461 North 400 East. They are proposing a chain link fence with barbed wire and slats. Condition 3 has been met with a recent change that meets the 25' setback. It was recommended to pay attention to the code criteria section of the staff report, namely increased setback distance for safety and relating to the appearance and harmony with adjacent development.

Peter Simmons representing the applicant was present to answer questions.

**Public Hearing Open** by Chairman Kirk Wilkins

No public input was given.

**Public Hearing Closed** by Chairman Kirk Wilkins

Hayden Williamson was fine with the setbacks as they currently are but in some point in the future the tower could be an eyesore. He asked what the process was for changing the appearance in the future. Peter Simmons commented that when they approved the CUP that is the way it would be, they couldn't go back and redesign it. He noted that stealth designs are possible but often they stand out even more, are more of an eyesore, than a regular tower would that blends with existing power lines.

Ken Kilgore asked if there were other cell towers similar to this situation, he wondered how the setback compared. Peter Simmons replied with several examples that were comparable. Peter Simmons also advised that no restructuring of the land would be needed and that they would have a backup generator.

David Funk received clarification that the fence would be 6'.

Sandra Steele asked why the fence was 20' back. Peter Simmons replied that it was for drive access and would be maintained. Sandra Steele doesn't like chain link with barbed wire near residential areas. She asked about using other types of fencing. Peter Simmons replied they had done other types of fencing and have had concerns about CPTED issues where someone could hide behind the fence. The police usually prefer to keep the fences that can be seen through. He believes the chain link with barbed wire is a higher deterrent.

Kirk Wilkins noted that the current fence design was permitted in this use. He thought the slats could be a color to match the neighboring residential fence. He asked what the commissioners thought about increasing the setback; all felt it met the current qualifications as proposed.

**Motion made by Hayden Williamson to forward a positive recommendation of the Pro Split Pea Site Plan and CUP as outlined in Exhibit 4 with the Findings and Conditions in the Staff Report dated May 5, 2016. With the additional condition that the color of the slats in the chain link fence be consistent with the neighboring residential neighborhood as verified by Staff. Seconded by David Funk. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.**

**5. Continued Item from April 14, 2016: Bicycle & Pedestrian Study & Master Plan.**

Kimber Gabryszak apprised the commission that most of the items from Planning Commission discussion have been addressed. Exceptions are Mountain Biking, which she will follow up with them on; and the Camp Williams trail which plans they don't have access to, we can show connectivity up to that future trail and to Eagle Mountain. She addressed bicycle parking; the ordinance is draft only and will be adjusted as needed by staff. It is an option that can be pulled out. There was some confusion on the bike lane for Foothill Blvd. there will be a sidewalk also but not a separate trail. In response to questions from Sandra Steele, she replied that the bus stop connections were handled by this plan and also City Council would be having their own work session on this item.

Sandra Steele was not comfortable approving until it was all correct.

Ken Kilgore noticed that this does not seem to address tricycles and that most cities have larger stalls for bikes than is being recommended here, in which case we are not accommodating for tricycles. He noted many tricycles in the Park City area.

David Funk was concerned that some trails are not marked and some trails marked are not there, it does not appear to be accurate.

**Motion made by Hayden Williamson to continue the bicycle and pedestrian Master Plan to a future meeting. Seconded by David Funk. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.**

**6. Work Session: Setback Code Amendments.**

Sarah Carroll said they had wanted to eliminate redundancies and inconsistencies in the document. There are some specifying landscaping requirements for non-residential uses in residential zones. Other items include distinguishing requirements for different residential options in the R-6 and higher zones. She reviewed the proposed changes. She reviewed changes in each section as listed in the staff report.

In discussing Residential areas Hayden Williamson was concerned that with a minimum lot size for single family in R10 the minimum lot size would force you to do multifamily because you couldn't get 10 single family homes in that area. Staff replied that it would probably be a more practical use or a mixture could happen. Sandra Steele asked if there was anything that said they could not fence in any area that is common area. Sarah Carroll replied they did not; they would follow up with and look at differentiations.



Non-residential uses in residential zones: Sandra Steele commented that previously she had not wanted the 20,000 sq. ft. for non-residential uses; she thinks it shoe-horns things on. She thinks it should be 30-35,000 to allow for snow stacking or disabled parking, driveways and landscaping. Staff replied they were looking to build more flexibility into it. There could be smaller things like churches or day care that could fit. Just making it a larger lot doesn't solve the issue; they squish things on larger lots too. There are other requirements they would need to meet also. Mark Christensen said the critical issue is trying to squeeze too much on too small, not the size of the area to begin with.

In Accessory Units Sandra Steele commented that there should be something included that any accessory buildings that house animals should have a larger setback than 12'. David Funk noted that although it would be separated from a dwelling, it could be next to a trail.

Discussing Business/Office parks, Sandra Steele noted that business parks would look better with more green out front; perhaps there could be a build-to line. Ken Kilgore commented about the business parks that an area in So. Jordan by the river parkway was nice with offset buildings like Sandra Steele was talking about. There is limited parking in the front with workers in the back and green belts between. Kirk Wilkins liked the larger setbacks in the office parks. Brandon MacKay responded that it depends on how much parking they need; those buildings have big parking issues especially with a lot of clientele.

Sandra Steele asked if we were making a mistake in allowing Commercial projects to count parking islands as the 20% landscaping. Sarah Carroll felt sometimes they are barely able to meet it and it was good. David Funk felt it made it look nicer. Kirk Wilkins felt they should get credit. Ken Kilgore felt it was landscaping.

#### **7. Work Session: Accessory Dwelling Units Code Amendments.**

Jamie Baron advised the Planning Commission that over the last several years there have been multiple requests from residents in the city regarding the addition of accessory dwelling units (ADU's) to their homes. Additionally, code enforcement has discovered multiple illegal ADU's already in existence in the city. In an effort to provide alternative and affordable housing options in residential neighborhoods, staff has researched best practices both in the state and around the country and created a working draft of possible code for consideration.

Ken Kilgore asked for clarification on why a business license would be required. Kimber Gabryszak replied it is more of a place holder now; it could be something more like a rental dwelling license where they meet the code and follow the rules so that if someone does this they are not negatively affecting their neighbors and to make the units safer. Ken Kilgore wanted to know what triggered a safety issue with an apartment, was it that they weren't related? Was it that they paid rent? They are people regardless.

Kimber Gabryszak noted a few things that the Building Official suggested for permitting like separate air and fire separation. There would not be grandfathering as they are not legal now, they would have to retrofit. Sandra Steele noted it would be expensive to retrofit. This is a tool to help with the City's affordable housing. We are proposing owner occupancy to also minimize impacts. The alternative to this is to allow more apartments in the city.

Hayden Williamson didn't see additional people living downstairs as an additional risk to his family. He would like to see that once they got the permit it would stick with the house. He would like to make a low impact for people who are already doing this illegally to minimize their cost to meet code.

Sandra Steele thinks if people are going to do this they need to meet the building code. She noted that with a rental it is more transient and there are more safety issues to neighbors. She thought the Building Official could come to explain some of the recommendations.

Kirk Wilkins commented that although he does not support basement rental code changes he would not like to see prohibitions for residents that already have finished basements in the event that basement rentals are permissible. He wanted to make sure this would be noticed to the whole city.

Brandon MacKay feels that we need to find something that is realistic, something that mirrors our demographic.

David Funk commented that there were differences between a separate dwelling and owner occupied. He felt there were also differences between renting your whole house and just renting the separate unit. Kimber Gabryszak replied that if someone were to leave and rent the whole house, this did not apply.

Kevin Thurman said we need to be careful that we don't overlap the building code.

*Item 9 was moved forward.*

**9. Approval of Minutes:**

**a. April 28, 2016.**

**Motion made by to Sandra Steele to approve the minutes of April 28, 2016. Seconded by David Funk.**

**Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.**

**8. Work Session: Back Yard Landscaping.**

Kimber Gabryszak relayed info from cities that had responded to a query of what they required for backyard landscaping. She noted that Bountiful, a city with similar slopes, required a Protective Ground Cover. Staff felt that recommending Protective Ground Cover would be a good minimum requirement.

Sandra Steele felt there should be landscaping in the backyard and provided pictures of problem areas and noted problems that have happened when a yard is not landscaped. You need the vegetation to hold the water long enough to replenish the aquifer.

Jess Chief Campbell advised that the city has adopted the Wildland Interface Code. It does not allow someone to put your property in peril of fire.

Hayden Williamson feels he has been clear in the past of where he stands on this issue.

Kimber Gabryszak said a couple things they could consider were: Requiring actual landscaping as we have the ability to regulate for aesthetics and protecting property value. Hayden Williamson feels the problem with aesthetics is it is arbitrary; some people may like what is an eyesore for another, it needs to look at impacts.

Ken Kilgore noted that if we change the backyard requirement then it would need to adjust the ½ acre landscape requirement.

**10. Reports of Action. No Reports.**

**11. Commission Comments. No Comments.**

**12. Director's Report: - Items were included in the Staff Report**

- a. Council Actions**
- b. Applications and Approval**
- c. Upcoming Agendas**
- d. Other**

13. Motion to enter into closed session. – No Closed Session.

12. Meeting Adjourned at 8:34 p.m. by Chairman Kirk Wilkins

26 May 2016  
Date of Approval

Nicolette Fike  
Nicolette Fike, Deputy City Recorder



Kirk Wilkins  
Planning Commission Chair  
Kirk Wilkins